

**DETERMINATION AND FINDINGS
FOR A
SOLE SOURCE PROCUREMENT**

CONTRACT NO: DCKA-2018-S-0109

CAPTION: Completion of Design Services for the Rehabilitation of the Theodore Roosevelt Bridge Rehabilitation Project

PROPOSED CONTRACTOR: T.Y. Lin International

PROGRAM AGENCY: District Department of Transportation (DDOT)

AUTHORITY

D.C. Code § 2-354.04, 27 DCMR 1304, 1700 and 1701

FINDINGS

1. MINIMUM NEED:

The Government of the District of Columbia, Department of Transportation (“District”) has an immediate need for the Proposed Contractor to complete the design for the above-captioned project. The project is a federal-aid highway project funded in part by the U.S. Department of Transportation, Federal Highway Administration, under Title 23 of the U.S. Code. The proposed period of performance is Date of Award through four hundred eighty (480) days.

2. ESTIMATED FAIR AND REASONABLE PRICE:

The estimated fair and reasonable price is \$2,320,097.28.

3. FACTS JUSTIFYING SOLE SOURCE PROCUREMENT:

(a) The Contractor commenced design services for the above-referenced project on July 31, 2014 as the result of a Task Order awarded from the Contractor’s Architectural and Engineering Services (“A/E”) contract. The Request for Task Order Proposal (RFTOP) required Offerors to submit qualifications covering three phases of the design process for this project: Phase I: Condition Assessment and Inspection; Phase II: Preliminary Engineering Design including deck evaluation and conceptual design of alternatives; and Phase III: Final Design of the preferred alternative including preparation of a Plans, Specifications and Estimate (PS&E) package. TY Lin International was the highest-rated offeror and was selected to perform the work.

(b) The Contractor successfully completed Phase I design services in May 2015 and Phase II in June 2017. Between the time that the Contractor completed Phase II and the District selected its design alternative, the District engaged in the periodic refresh of the entire A/E Schedule as required by the Brooks Act. Had the refresh of the A/E Schedule not occurred between the completion of Phase II and the commencement of Phase III, the District would have issued a Task Order for Phase III as contemplated by the original RFTOP.

(c) The Contractor is the only one capable of modifying its own proposed design alternative accepted by the District, so that it can complete Phase III of the project, which is the Final Design of the preferred alternative including preparation of a Plans, Specifications and Estimate (PS&E) package.

(d) For the above-stated reasons, the District did not conduct a market survey.

CERTIFICATION BY CHIEF ENGINEER

I hereby certify that the above findings are correct and complete to the best of my knowledge and belief.

Date

Dawit Muluneh, P.E.
Chief Engineer, DDOT

CERTIFICATION BY AGENCY HEAD

I hereby certify that the above findings are true, correct and complete to the best of my knowledge and belief.

Date

Jeffrey Marootian
Director, DDOT

CERTIFICATION BY CONTRACT SPECIALIST

I hereby certify that the above findings are correct and complete to the best of my knowledge and belief.

Date

Jeralyn Johnson
Contract Specialist
Office of Contracting & Procurement (OCP)

CERTIFICATION BY CONTRACTING OFFICER AND RECOMMENDATION

I have reviewed the above findings and certify that they are sufficient to justify the use of the sole source method of procurement under the cited authority. I certify that the notice of intent to award a sole source contract was published in accordance with Section 404(c) of the District of Columbia Procurement Practices Reform Act of 2010 (D.C. Official Code § 2-354.04) and that no response was received. I recommend that the Chief Procurement Officer approve the use of the sole source procurement method for this proposed contract.

Date

William E. Sharp, Jr.
Chief Contracting Officer, OCP

DETERMINATION

Based on the above findings and in accordance with the cited authority, I hereby determine that it is not feasible or practical to invoke the competitive solicitation process under either Section 402 or 403 of the District of Columbia Procurement Practices Reform Act of 2010 (D.C. Law 18-371; D.C. Official Code §§ 2-354.02 or 2-354.03). Accordingly, I determine that the District is justified in using the sole source method of procurement.

Date

George A. Schutter, III
Chief Procurement Officer